

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

STATESBORO DIVISION

UNITED STATES OF AMERICA

v.

FRANKLIN HAGINS

FILED
U.S. DISTRICT COURT
GEORGIA DIV.
2007 OCT -4 AM 8:46
CLERK *[Signature]*
SO. DIST. OF GA.

INDICTMENT CR696-00007-003


ORDER

Defendant is presently serving a 240-month custodial sentence imposed by this Court on September 2, 1997, for conspiracy to possess with intent to distribute and to distribute cocaine base and cocaine hydrochloride. On June 1, 2007, Defendant filed a "Pro Se Nunc Pro Tunc Motion for the District Court to Revise and/or Correct Defendant's Presentence Investigation Report and Judgment." In the motion, Defendant essentially asserts that the drug quantity he was attributed with for guideline sentencing purposes was based on inaccurate information obtained from a codefendant, and that such information should be regarded as a "clerical error" and corrected by the Court. Such correction, if made, would result in a substantially lower advisory guideline range as to Defendant.

The Court has reviewed the Government's response to Defendant's motion and has reviewed the facts of the case. The Court notes, just as the Eleventh Circuit Court of Appeals noted in its examination and denial of Defendant's former 18 U.S.C. § 2255 motion, that the evidence presented during Defendant's trial demonstrated his involvement with substantially more than 50 grams of cocaine base. Such would remain true even if the statements of the codefendant to which Defendant objects were completely ignored. In addition, Defendant's motion is misplaced from a procedural standpoint, as corrections for "clerical errors" cannot result in substantive alterations to a criminal sentence, as established by case law of this circuit.

For the foregoing reasons, the motion is hereby **DENIED**.

SO ORDERED, this 3 day of October, 2007.



B. AVANT EDENFIELD
UNITED STATES DISTRICT JUDGE
FOR THE SOUTHERN DISTRICT OF GEORGIA